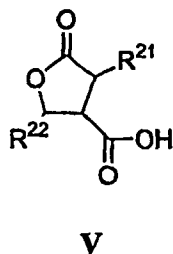


## REMARKS

In the instant action, the rejection of claims 15-16, 20, 32, and 34 was repeated under 35 U.S.C. 103, individually over the references Asano, *et al.*, Driloi, *et al.*, and Zhang, *et al.* While none of these references actually teach a species of compound recited in any of claims 15-16, 20, 32, and 34, it was argued that one of ordinary skill in the art would be motivated to modify the compounds taught to obtain compounds claimed because they are considered homologues. As provided below, Applicant respectfully disagrees with this position. Not addressed in the instant action, however, are claims 69-72 of the instant application. To this end, Applicants respectfully request consideration of these claims, as Applicant believes that these claims overcome the prior art and are in an allowable format.

Claims 15-16, 20, 32, and 34 relate to a genus of compounds having the following structure:



where in certain embodiments, R<sup>21</sup> may be comprised of a C<sub>2</sub>-C<sub>20</sub> alkyl group and R<sup>22</sup> comprised of a C<sub>1</sub>-C<sub>20</sub> alkyl group. Asano, *et al.*, Driloi, *et al.*, and Zhang, *et al.*, each provide for an alkyl residue having between 1 and 20 carbons at R<sup>22</sup>, but only a methyl residue at the R<sup>21</sup> position. Applicants respectfully reiterate that this does not render the instant claims obvious simply because the two structures may be homologous. Indeed, Applicants maintain that the biological data in the instant application indicates an unexpected benefit of this entire family of compounds, which is not found or otherwise disclosed in any of the cited prior art references. It is because of

this unexpected advantage that Applicants must again insist that the compounds recited by the instant claims 15-16, 20, 32, and 34 are not non-obvious in view of Asano, *et al.*, Driloi, *et al.*, and Zhang, *et al.*, either alone or in combination.

In addition to the foregoing, Applicants also request consideration of claims 69-72. These claims were added in the response of July 7, 2008, but were not addressed in the instant action. Claims 69 and 70, while dependent from claim 15, are particularly of interest because they exclude the limitation that R<sup>21</sup> may be comprised of a C<sub>2</sub>-C<sub>20</sub> alkyl group. Thus, these claims are not taught or are otherwise obvious by any of Asano, *et al.*, Driloi, *et al.*, and Zhang, *et al.*, either alone or in combination.

Claim 71 was also added in the previous action and presents previously cancelled claim 17 drafted into an independent form. In the office action of October 11, 2007, it was provided that claim 17, if drafted into an independent format, would be allowable. Accordingly, Applicants respectfully request consideration of this claim, as well as dependent claim 72, in the instant application.

## CONCLUSION

Based on the foregoing, Applicant contends that this application is in a condition for allowance and an early notice to this effect is earnestly solicited. Should Examiner have any questions or comments with respect to this response, it is respectfully requested that the Examiner telephone the undersigned at (215) 299- 2772 to discuss.

To the extent there are any fees required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, including extension fees, the Commissioner is authorized to charge all such fees to Deposit Account 50-1943.

Respectfully submitted,

FOX ROTHSCHILD LLP

Date: June 9, 2009

/J. Eric Sumner/  
J. Eric Sumner  
Reg. No. 58,699  
2000 Market Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19103  
Tel: 215-299-2772  
Fax: 215-299-2150  
Email: [esumner@foxrothschild.com](mailto:esumner@foxrothschild.com)  
Customer No. 85,938